

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Crl.MC.No. 7423 of 2015 ()

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CC 1306/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 1002/2014 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT
=====**

PETITIONERS/ACCUSED:

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1. RAMESH V, AGED 47 YEARS
S/O.RAMDAS VALAVIL, RAMESH NIVAS, VALAVIL
NEAR MANGAL AYYAPPA KSHETRAM, MAHE VILLAGE
SUB TALUK MAHE.**

**2. SHYAMALA V., AGED 65 YEARS
W/O.RAMDAS VALAVIL, RAMESH NIVAS, VALAVIL
NEAR MANGAL AYYAPPA KSHETRAM, MAHE VILLAGE
SUB TALUK MAHE.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

**2. SHYMOL.S., AGED 38 YEARS
D/O.SUNDARAN P.V, NEAR PUTHIYA BHAGAVATHI TEMPLE
KAVVAY, PAYYANNUR P.O., PIN-670 001
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**R1 BY ADV. SRI.S.R.SREEJITH
R1 BY PUBLIC PROSECUTOR SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-A1. A TRUE COPY OF THE COMPLAINT DATED 6/8/2014 FILED U/S. 190(1)
(a) OF CRIMINAL PROCEDURE CODE.**

ANNEXURE-A1I. A TRUE COPY OF THE FIR IN CRIME NO.1002/2014.

ANNEXURE-A1II. A TRUE COPY OF THE FINAL REPORT

ANNEXURE-A1V. A TRUE COPY OF THE SETTLEMENT AGREEMENT

**ANNEXURE-AV. A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING OF THE
SAID OFFENCES AND THE SETTLEMENT OF THE DISPUTES**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7423 of 2015

Dated this the 25th day of November, 2015

O R D E R

The petitioners herein are the accused in C.C.No.1306/2014 of the Judicial First Class Magistrate Court, Payyannur. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Section 498-A read with Section 34 IPC, on the complaint of one Shymol, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that the parties have agreed to file a joint application for divorce under Section 13B of the Hindu Marriage Act in terms of the settlement arrived at. It is submitted that the claims also stand settled. In such a situation it is appropriate that the prosecution be quashed.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the

High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.1306/2014 of the Judicial First Class Magistrate Court, Payyannur, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-
P. UBAID, JUDGE

sd

// True Copy //

P.A. To Judge